

REMARKS

Claims 1-26 are pending in this application.

In the Election/Restriction Requirement mailed November 29, 2005, the Examiner required election of one of the following inventions:

Species of Fig. 1;
Species of Fig. 3;
Species of Fig. 4;
Species of Fig. 5;
Species of Fig. 6;
Species of Fig. 7;
Species of Fig. 8; and
Species of Fig. 9.

Initially, Applicants respectfully note that the Examiner may have overlooked a Species of Fig. 10. Accordingly, Applicants respectfully request that the Examiner acknowledge the omission of a Species related to Fig. 10 or include Fig. 10 in one of the Species identified above if the Election of Species Requirement is maintained.

In response to the Examiner's Election of Species Requirement, Applicants elect, with traverse, to prosecute Species I reading on Figure 1. Applicants identify claims 1-9, 14 and 21 as readable on the provisionally elected Species of Fig. 1.

Further, Applicants respectfully submit that claims 1-4 are generic to all of the Species identified in the Election of Species Requirement.

Still further, Applicants respectfully traverse the Restriction Requirement as detailed below.

First, MPEP § 803 states the following:

... If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to distinct or independent inventions.

Applicants respectfully note that an International Search Report covering all searchable claims was submitted on October 25, 2004. Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Second, the Examiner merely makes the conclusory statement in the Election of Species Requirement that “the species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1,” and has made no attempt to support his position.

PCT Rule 13 recites the following:

Rule 13.1 - The international application shall relate to one invention only or to a group of inventions so linked as to form a single inventive concept (“requirement of unity of invention”).

Rule 13.2 - Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a special technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Accordingly, Applicants also traverse the Election of Species Requirement by submitting that claims 1-22 are all linked to form a single general inventive concept, and thus the “Unity of Invention” requirement under PCT Rule 13.2 is satisfied and the Restriction Requirement is improper. In particular, Applicants respectfully submit that independent claims 1 and 22 are both directed to a current measuring apparatus. As described in the Applicants’ specification at least on page 9, lines 1-6 a current measuring apparatus according to the example embodiments of the present invention have a reduced size and/or complexity.

Accordingly, it is respectfully submitted that independent claims 1 and 22 are linked to form a single inventive concept. Further, Claims 2-21 and 23-26 depend from the independent claims discussed above.

Therefore, the Applicants also respectfully traverse the Restriction Requirement on the grounds that claims 1-26 are linked to form a single inventive concept and should be examined together.

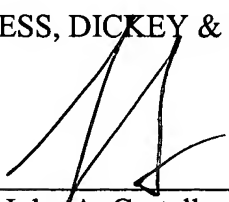
For all of the above-stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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